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File No. 10-93634

Attorneys for Secured Creditor,
THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN
TRUST2005-44,MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-44

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

GERALDINE KIRK-HUGHES,

Debtor(s)

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
THE CWALT, INC., ALTERNATIVE LOAN
TRUST2005-44,MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2005-
44,

Secured Creditor,

Vs

GERALDINE KIRK-HUGHES, Debtor(s),
KATHLEEN A. LEAVITT, Trustee,

Respondent(s)

Case No.: BK-S-10-10004-BAM
Chapter 11

**OBJECTIONS TO PROPOSED
AMDENDED CHAPTER 11 PLAN
AND SECOND AMENDED
DISCLOSURE STATEMENT AND
CONFIRMATION THEREOF**

Date: January 11, 2011
Time: 09:00 A.M.

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS
TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWALT, INC., ALTERNATIVE
LOAN TRUST2005-44,MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-44,
Secured Creditor in the above-entitled Bankruptcy proceeding, hereby submits the following

1 Objections to the Confirmation of that certain Amended Chapter 11 Plan and Second Amended
2 Disclosure Statement proposed by Debtor:

3 This objecting Secured Creditor holds the first Trust Deed on the subject property
4 generally described as: **5697 East Aripa Road, Harrison, ID 83833**. As of January 3, 2010,
5 the amount in default was \$19,931.78, representing monthly payments and late charges due from
6 February, 2010 through March, 2010; advances for taxes and insurance, if any; and foreclosure
7 costs and attorneys' fees incurred with respect to the default.

8 Debtor's Amended Chapter 11 Plan and Second Amended Disclosure Statement are
9 inconsistent and ambiguous. Debtor states that there is a loan modification pending on this
10 property. Debtor also states she will seek permission of the Court to sell this property once the
11 title issue has been resolved. The Plan and Disclosure Statement should clearly define why the
12 Debtor is seeking both the loan modification and short sale.

13 Secured Creditor further requests the Court award Secured Creditor \$400.00 in attorney's
14 fees for the necessity of this Objection and that said fees be paid by the Debtor either through the
15 Plan or directly to Secured Creditor prior to completion of the Plan.

16 **CONCLUSION**

17 Any Chapter 11 Plan and Disclosure Statement proposed by Debtor must provide for and
18 eliminate the Objections specified above in order to be reasonable and to comply with applicable
19 provisions of the Bankruptcy Code. It is respectfully requested that confirmation of the
20 Amended Chapter 11 Plan and Second Amended Disclosure Statement as proposed by Debtor be
21 denied.

22 ///

23 ///

24 ///

1 WHEREFORE, Secured Creditor prays as follows:

2 (1) That confirmation of the proposed Amended Chapter 11 Plan and Second Amended

3 Disclosure Statement be denied.

4 (2) For attorney's fees and costs incurred herein.

5 (3) For such other relief as this Court deems proper.

6 MILES, BAUER, BERGSTROM & WINTERS, LLP

7 Dated: January 11, 2011

By: /s/ Gina M. Corena, Esq.

Gina M. Corena, Esq.

8 Attorney for Secured Creditor

CERTIFICATE OF MAILING

The undersigned hereby certifies that on January 11, 2011, a copy of Secured Creditor's **OBJECTIONS TO PROPOSED AMENDED CHAPTER 11 PLAN AND SECOND AMENDED DISCLOSURE STATEMENT AND CONFIRMATION THEREOF** was served by depositing a copy of same in the United States Mail, in a postage prepaid envelope, addressed to:

DEBTOR:

Geraldine Kirk-Hughes
7400 Oak Grove Avenue
Las Vegas, NV 89117

ATTORNEY FOR DEBTOR:

Geraldine Kirk-Hughes
Kirk-Hughes & Associates
2551 S. Fort Apache Rd. Ste 103
Las Vegas, NV 89117

CHAPTER 11 TRUSTEE:

Kathleen A. Leavitt
201 Las Vegas Blvd S. Ste. 200
Las Vegas, NV 89101

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/S/ Stacey L. Werner
An Employee of Miles, Bauer, Bergstrom & Winters, LLP

(10-93634/objaznv.dot/slw)